

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RODNEY J. BLACKMAN, *et al.*,)

Plaintiffs,) No. 388-1970-SE

V.)

PARK WEST GALLERIES, INC., *et al.*,)

Defendants.)

Plaintiff,) No. C09-1177RSE

V.)

PARK WEST GALLERY, INC.,)

Defendant:
)

PHILIP C. BOHM, *et al.*, }

Plaintiffs) No. C09-1178RSL

Yankees,)
V.)

INC., et al.,)
)

Defendants.)

1
2 DONALD HATTER, *et al.*,

3 Plaintiffs,

4 v.

5 PARK WEST GALLERIES, INC., *et al.*,

6 Defendants.

)
No. C09-1242RSL

7 **ORDER SETTING TRIAL & RELATED DATES**
8 **MDL 2076**

9 **TRIAL DATE**

10 Oral argument on pending motions ¹ scheduled for 10:00 am on	May 2, 2011
11 Deadline for amending pleadings	December 2, 2009
12 Deadline for joining additional parties	January 15, 2010
13 Deadline for FRCP 26(f) conference ²	January 15, 2010
14 Amended initial disclosures pursuant to FRCP 26(a)(1)	January 29, 2010
15 Responses to amended complaint(s) due	February 5, 2010
16 Motion for class certification due and noted on the Court's calendar for the fifth Friday thereafter	February 15, 2010
17 Reports from expert witnesses under FRCP 26(a)(2) due	August 6, 2010
18 All motions related to discovery must be noted on the motion calendar no later than the Friday before discovery closes pursuant to CR 7(d) or CR 37(a)(1)(B)	October 22, 2010

21 ¹ Oral argument will be heard on "HSBC Defendants' Motion to Compel Arbitration" (Dkt. # 50
22 in C08-1310RSL), Holland America's "Motion to Dismiss Counts I, IV, V, VI and VII" (Dkt. # 53 in
23 C08-1310RSL), HSBC's "Motion to Dismiss Counts I, IV, VI and VII" (Dkt. # 54 in C08-1310RSL),
24 and "Defendant Park West's Motion for Summary Judgment" (Dkt. # 56 in C09-1177RSL).

25 Park West's "Motion to Dismiss Pursuant to Rules 9(b), 12(b)(2), and 12(b)(6)" (Dkt. # 52 in
26 C08-1310RSL), "Plaintiffs' Motion to Compel" (Dkt. # 97 in C08-1310RSL), and Royal Caribbean's
"Motion to Dismiss" (Dkt. # 26 in C09-1178RSL) are hereby DENIED without prejudice.

27 ² The Rule 26(f) conference shall include a discussion regarding the preservation, storage, and
28 utilization of evidence in electronic form.

1	Discovery completed by	December 21, 2010
2	All dispositive motions must be filed by and noted on the motion calendar no later than the fourth Friday thereafter (<u>see</u> CR 7(d)(3))	January 20, 2011
4	Settlement conference per CR 39.1(c)(2) held no later than	February 21, 2011
5	Mediation per CR 39.1(c)(3) held no later than	March 21, 2011
6	All motions in limine must be filed by and noted on the motion calendar seven judicial days thereafter pursuant to CR 7(d)(2)	March 23, 2011
7	Agreed pretrial order due	April 9, 2011
8	Pretrial conference to be scheduled by the Court	
9	Trial briefs, proposed voir dire questions, proposed jury instructions, and trial exhibits due	April 16, 2011
10	Length of Trial: 3-6 days	Jury

12 These dates are set at the direction of the Court after reviewing the joint status report and
 13 discovery plan submitted by the parties. All other dates are specified in the Local Civil Rules. If
 14 any of the dates identified in this Order or the Local Civil Rules fall on a weekend or federal
 15 holiday, the act or event shall be performed on the next business day. These are firm dates that
 16 can be changed only by order of the Court, not by agreement of counsel or the parties. The
 17 Court will alter these dates only upon good cause shown; failure to complete discovery within
 18 the time allowed is not recognized as good cause.

19 Plaintiffs may, on or before January 15, 2010, amend the complaints in each of the four
 20 pending actions to add parties and align the allegations and claims asserted. Because three of the
 21 actions may be remanded to the transferor court after all pre-trial matters are resolved,
 22 jurisdictional and other issues should be considered when determining which claims are included
 23 and/or repeated in a particular cause number. Allegations related to the class and any other
 24 issues to be decided by trial in this district should, if possible, be included in C08-1310RSL in
 25 order to avoid the possibility of competing national class actions and to promote the efficient

1 resolution of the claims. The Court finds that the filing of a master consolidated complaint
2 would not be helpful in this case.

3 If the trial date assigned to this matter creates an irreconcilable conflict, counsel must
4 notify Teri Roberts, the judicial assistant, at 206-370-8810 within 10 days of the date of this
5 Order and must set forth the exact nature of the conflict. A failure to do so will be deemed a
6 waiver. Counsel must be prepared to begin trial on the date scheduled, but it should be
7 understood that the trial may have to await the completion of other cases.

8

9 ALTERATIONS TO ELECTRONIC FILING PROCEDURES AND COURTESY COPIES

10 As of June 1, 2004, counsel are required to electronically file all documents with the
11 Court. *Pro se* litigants may file either electronically or in paper form. Information and
12 procedures for electronic filing can be found on the Western District of Washington's website at
13 www.wawd.uscourts.gov. The following alterations to the Electronic Filing Procedures apply in
14 all cases pending before Judge Lasnik:

15 - Section III, Paragraph F - pursuant to Local Rule 10(e)(8), when the aggregate submittal
16 to the court (*i.e.*, the motion, any declarations and exhibits, the proposed order, and the
17 certificate of service) exceeds **50** pages in length, a paper copy of the documents (with tabs or
18 other organizing aids as necessary) shall be delivered to the Clerk's Office for chambers by
19 10:30 am the morning after filing. The chambers copy must be clearly marked with the words
20 "Courtesy Copy of Electronic Filing for Chambers."

21 - Section III, Paragraph L - unless the proposed order is stipulated, agreed, or otherwise
22 uncontested, the parties need not e-mail a copy of the order to the judge's e-mail address.

23 Pursuant to Local Rule 10(e)(10), all references in the parties' filings to exhibits should
24 be as specific as possible (*i.e.*, the reference should cite the specific page numbers, paragraphs,
25 line numbers, etc.). All exhibits must be marked to designate testimony or evidence referred to
26 in the parties' filings. Filings that do not comply with Local Rule 10(e) may be rejected and/or

returned to the filing party, particularly if a party submits lengthy deposition testimony without highlighting or other required markings.

PRIVACY POLICY

Pursuant to Federal Rule of Civil Procedure 5.2 and Local Rule 5.2, parties must redact the following information from documents and exhibits before they are filed with the court:

- * Dates of Birth - redact to the year of birth
- * Names of Minor Children - redact to the initials
- * Social Security Numbers and Taxpayer Identification Numbers - redact to the last four digits
- * Financial Accounting Information - redact to the last four digits
- * Passport Numbers and Driver License Numbers - redact in their entirety

All documents filed in the above-captioned matter must comply with Federal Rule of Civil Procedure 5.2 and Local Rule 5.2.

COOPERATION

As required by CR 37(a), all discovery matters are to be resolved by agreement if possible. Counsel are further directed to cooperate in preparing the final pretrial order in the format required by CR 16.1, except as ordered below.

TRIAL EXHIBITS

The original and one copy of the trial exhibits are to be delivered to chambers five days before the trial date. Each exhibit shall be clearly marked. Exhibit tags are available in the Clerk's Office. The Court hereby alters the CR 16.1 procedure for numbering exhibits: plaintiff's exhibits shall be numbered consecutively beginning with 1; defendant's exhibits shall be numbered consecutively beginning with 500. Duplicate documents shall not be listed twice:

1 once a party has identified an exhibit in the pretrial order, any party may use it. Each set of
2 exhibits shall be submitted in a three-ring binder with appropriately numbered tabs.

3

4 SETTLEMENT

5 Should this case settle, counsel shall notify the Deputy Clerk, Kerry Simonds, at 206-
6 370-8519, as soon as possible. Pursuant to GR 3(b), an attorney who fails to give the Deputy
7 Clerk prompt notice of settlement may be subject to such discipline as the Court deems
8 appropriate.

9

10 Dated this 26th day of October, 2009.

11 
12 Robert S. Lasnik
13 United States District Judge